

## **REMARKS**

### **Introduction**

Applicants note with appreciation the Examiner's indication that each of the references cited in the Information Disclosure Statements filed April 22, 2005 have been considered.

Upon entry of the foregoing Amendment, claims 1-24 are pending in the application. No claims have been amended or cancelled. Claim 24 is added. No new matter is being presented, and approval and entry are respectfully requested. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

### **Objections to the Drawings**

The Examiner has objected to the drawings under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims. In particular, the Examiner asserts that the eccentric axle, the driving axle, the paddle member, the axle supporting part, the cam groove, the crankshaft, the paddle front end, the paddle rear, and the plurality of slots "must be shown or the feature(s) cancelled from the claim(s)." See Office Action page 2, paragraph 1.

Applicants respectfully submit that each of the claimed elements to which the Examiner refers is thoroughly illustrated, and also described with reference to the figures in at least paragraphs [0032] through [0040] of the specification. For example, the eccentric axle, the driving axle, the paddle member, the axle supporting part, the cam groove, etc., are all described in paragraphs [0032] through [0035], and further referenced with respect to each of FIGS. 1-4. Accordingly, Applicants request that the Examiner withdraw this objection to the drawings.

### **Rejection under § 102(b)**

Claims 1-23 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Murayama et al. (U.S. 6,298,217). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 1 and 19

Referring to the Office Action, the Examiner relies on element 61 of FIG. 11 to read on the “used toner transferring unit,” as recited in independent claim 1 of Applicants’ invention. See Office Action page 3, paragraph 3. However, FIG. 11 shows a feed blade 61 consisting of a rotary sheet metal that receives a drive force from the main body to rotate counterclockwise, thereby moving toner to a screw member 45 directly adjacent thereto. See Murayama et al. col. 10, lines 12-18. Thus, Applicants submit that the rotary feed blade 61 relied on by the Examiner does not transfer used toner such that the used toner is “evenly distributed within a used toner collecting bucket (toner collecting container),” as recited in independent claims 1 and 19, respectively. More specifically, the rotary feed blade 61 of FIG. 11 is limited to feeding the toner to the screw member 45 such that the toner can be fed into an intermediate conveying chamber 47. See Murayama et al., FIG. 11. Accordingly, since the rotary feed blade 61 of Murayama et al. is limited to moving toner to the screw member 45 directly adjacent thereto, this feed blade 61 is not the same as, nor does it perform the operations of the toner transferring unit, as recited in independent claim 1 of Applicants’ invention. Furthermore, the rotary feed blade 61 of FIG. 11 of Murayama et al. is not the same as, nor does it perform the operations of the used toner transferring member, as recited in independent claim 19 of Applicants’ invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The device illustrated in FIG. 11 of Murayama et al., which is described together with the devices of FIGS. 7 and 8 in the “Embodiment 3” section of Murayama et al., includes a cleaning container 14 that is partitioned into a cleaning chamber 43, a removed toner accumulating chamber 44, and an intermediate conveying chamber 47. See Murayama et al. col. 9, lines 15-19 and FIG. 11. When the used toner is fed into the intermediate conveying chamber 47 from the cleaning chamber 43, an impeller 63 rotates in the intermediate conveying chamber 47 and an intermediate conveying guide 65 pushes the used toner upward along the impeller 63 to fall into openings in the impeller 63. See Murayama et al. col. 9, lines 24-41. Thus, the device illustrated in FIG. 11 of Murayama et al. is limited to distributing the used toner inside the impeller 63. Accordingly, Applicants respectfully submit that this embodiment of Murayama et

al. does not disclose, among other things, “a used toner transferring unit to transfer the used toner so that the used toner accumulated at the used toner entry port is evenly distributed within the used toner collecting bucket,” as recited in independent claim 1 of Applicants’ invention, or “a used toner transferring member to transfer the guided toner away from the toner entry port and along a bottom of the toner collecting container to evenly distribute the toner therein,” as recited in independent claim 19 of Applicants’ invention.

Even assuming *arguendo* that element 61 (i.e., the rotary feed blade) of FIG. 11 of Murayama et al. could be construed to be “a used toner transferring unit” as recited in claim 1 or “a used toner transferring member” as recited in claim 19, this 35 U.S.C. 102(b) rejection of claims 1-23 would still be improper since the Examiner improperly relies on a combination of different embodiments of the Murayama et al. patent.

In particular, the Examiner alleges that element 44 in FIG. 2 of Murayama et al. reads on the “used toner collecting bucket” as recited in independent claim 1, while the Examiner then attempts to transition to a different embodiment by alleging that element 61 of the embodiment shown in FIG. 11 reads on “a used toner transferring unit,” as recited in independent claim 1 of Applicants’ invention. Applicants submit that the embodiment of FIG. 2 and the embodiment of FIG. 11 are entirely different from one another. Such a reliance on a combination of different embodiments in order to attempt to meet the requirements of an anticipation rejection of Applicants’ claims is improper. “An invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed Cir. 1989). Moreover, FIG. 2 does not even illustrate use of the element 61 of FIG. 11, as it shouldn’t since the embodiments of FIGS. 2 and 11 are different devices that perform different operations. More specifically, the embodiment illustrated in FIG. 2 of Murayama et al. is directed to a cleaning container 14 having a cleaning chamber 43 for cleaning toner from a photosensitive drum 15 and a toner accumulating chamber 44 for storing used toner. See Murayama et al. col. 4, line 60 to bottom, col. 6, lines 1-5, and FIG. 2. In contrast, the embodiment illustrated in FIG. 11 is directed to a cleaning container in which used toner is conveyed in an intermediate conveying chamber 47, and is ultimately accumulated in an impeller 63 disposed within the intermediate conveying chamber 47. See Murayama et al.

col. 9, lines 35-42, line 65 of col. 9 through line 6 of col. 10, and FIG. 11. Therefore, since the Examiner relies on an improper combination of different embodiments to teach each of the elements recited in independent claims 1 and 19, the Examiner's §102(b) rejection is improper, and should be withdrawn.

It is respectfully requested that as pointed out above, since none of the embodiments of Murayama et al. teach each of the elements recited in independent claims 1 or 19, Murayama et al. does not anticipate either of claims 1 and 19. Accordingly, claims 1 and 19 are patentable over Murayama et al., and withdrawal of this rejection and allowance of these claims are earnestly solicited.

#### Claims 2-18 and 20-23

It is respectfully requested that for at least the reasons that each of claims 2-18 and 20-23 depends from independent claims 1 and 19, respectively, claims 2-18 and 20-23 contain each of the features recited in these claims, and are therefore also patentable over Murayama et al., and withdrawal of the rejection of these claims is earnestly solicited.

Additionally, the rejection of dependent claims 2-18 and 20-23 is improper, since the Examiner has not specifically addressed all of the features of the dependent claims. For example, the Examiner broadly asserts, without specifically pointing out any specific features of Murayama et al., that FIGS. 3, 7, and 11 disclose all of the elements of claims 2-18 and 20-23. Such broad reliance on a reference in rendering an anticipation rejection is improper. Unless each feature is taught in the prior art being relied upon in an anticipation type rejection, the rejection is improper. Thus, the Examiner's rejection of claims 2-18 and 20-23 under §102(b) should be withdrawn. Accordingly, withdrawal of the rejections of claims 2-18 and 20-23 and allowance of these claims are earnestly solicited.

#### New Claim 24

Claim 24 has been newly added. New claim 24 recites similar features as those recited in independent claims 1 and 19, which as pointed out above, are not disclosed, taught, or suggested in the prior art of record, such as, for example, "a used toner transferring unit that is disposed in the used toner collecting bucket and is substantially linearly movable along a bottom portion thereof to transfer the used toner such that the used toner that flows into the used toner

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entry port is evenly distributed within the used toner collecting bucket." Accordingly, it is respectfully submitted that new claim 24 is also allowable over the prior art of record, and allowance of this claim is earnestly solicited.

Conclusion

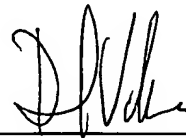
It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

STANZIONE & KIM, LLP



By: \_\_\_\_\_  
Daniel E. Valencia  
Registration No. 56,463

Dated: July 26, 2005  
1740 N Street, N.W., First floor  
Washington, D.C. 20036  
Telephone: (202) 775-1900  
Facsimile: (202) 775-1901